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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,941	12/21/2001	Shuichi Obayashi	217746US2SRD	7706

22850 7590 10/06/2004

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1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,941

Applicant(s)

OBAYASHI, SHUICHI

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-18 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 8 is/are rejected.
- 7) ☐ Claim(s) 2,6,7 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-5,8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kang et al. (U.S. Patent Number 6,650,911).

**Regarding claim 1**, Kang et al. discloses essentially all the claimed invention as set forth in the instant application, further Kang et al. discloses sectored array antenna CDMA system for improved softer handoff additionally Kang et al. discloses a mobile communication terminal apparatus which communicates with either a first base station or a second base station and performs handover from one to another of the base stations, the mobile communication terminal apparatus comprising: an array antenna which outputs a plurality of signals (as exhibited in figure 4); plurality of multipliers that multiply the signals output from the array antenna by weighting factors, and output multiplication result signals (which reads on column 4 lines 60-67); reception device configured to generate reception signal based on the multiplication result signals output from the multipliers (45); control device (48) calculation for the configured

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to perform weighting factors based on the reception signal, and adaptively control multipliers by supplying the factors thereto; and calculated weighting an initial value calculating device configured to calculate at least one initial value for the weighting the handover (which reads on column 5 lines 1-14), factors prior wherein the control device starts the calculation for the weighting factors using the initial value when the handover is performed (which reads on column 3 lines 35-47).

***Regarding claim 3***, Kang et al. discloses a reception device (45) performs a radio communication between the mobile communication terminal apparatus and the first base station the second base station accordance with the TDMA scheme (which reads on column 1 lines 34-35).

***Regarding claim 4***, Kang et al. discloses a mobile communication terminal apparatus to claim 3, wherein the estimation device according estimates said arrival direction through a time zone other than time slot specified (which reads on column 1 lines 34-35).

***Regarding claim 5***, Kang et al. discloses a reception device performs radio communication between the mobile the TDMA scheme communication terminal apparatus and the first base station the second base station in accordance with the CDMA (Code Division Multiple Access) scheme (which reads on column 1 lines 34-36).

***Regarding claim 8***, Kang et al. discloses a calculating device outputs claim wherein the initial value the initial value for weighting factors calculated with regard to the arrival direction when a reception level higher than predetermined threshold value (which reads on column 5 lines 15-26).

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***Allowable Subject Matter***

3. Claims 2,4,7,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


4. Claims 9-18 allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
September 30, 2004

  
**ERIKA A. GARY**  
**PRIMARY EXAMINER**